

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT
17.30.502, 17.30.619, 17.30.641,)	
17.30.646, 17.30.702, 17.30.1001,)	(WATER QUALITY)
17.30.1007, 17.36.345, 17.55.102,)	(SUBDIVISIONS)
17.56.507, and 17.56.608, pertaining to)	(CECRA)
Department Circular DEQ-7)	(UNDERGROUND STORAGE
)	TANKS)

TO: All Concerned Persons

1. On December 20, 2007, the Board of Environmental Review and the Department of Environmental Quality published MAR Notice No. 17-265 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 2035, 2007 Montana Administrative Register, issue number 24.

2. The board and department have amended the rules exactly as proposed.

3. The following comments were received and appear with the board's and department's responses:

COMMENT NO. 1: The Montana Department of Agriculture recommended modifying the way several pesticides and their metabolites are listed so that they are considered cumulatively rather than separately from the parent compounds. The Department of Agriculture wanted the department Circular DEQ-7 to reflect that, if a pesticide and its metabolites are detected in a water sample, the sum of the concentrations should be used to measure compliance with the standard. The original changes to the department Circular DEQ-7 made it appear that there are separate standards for the parent compound and for the metabolites.

The list of pesticides that should be considered cumulative are: atrazine and its chlorinated metabolites (deethyl atrazine, deisopropyl atrazine, and deethyl deisopropyl atrazine); acetochlor and its metabolites (acetochlor ESA and acetochlor OA); alachlor and its metabolites (alachlor ESA and alachlor OA); imazamethabenz methyl ester and its acid metabolite; metolachlor and its metabolites (metolachlor ESA and metolachlor OA); and pinoxaden (NOA 407855) and its metabolites (pinoxaden NOA 407854 and pinoxaden NOA 447204).

RESPONSE: The board and department agree with the comments and have made the changes to the department Circular DEQ-7. The individual metabolites were removed from the charts and footnotes were added to each pesticide for the associated metabolites. The footnotes were added to the end of the department Circular DEQ-7 and are similar to the language provided for the pesticide tralkoxydim. Each footnote for the parent compound will read: "The sum of the concentrations of "pesticide name" and its breakdown products (metabolite names) shall not exceed the standards listed."

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ James M. Madden

JAMES M. MADDEN

Rule Reviewer

By: /s/ Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.

Chairman

DEPARTMENT OF ENVIRONMENTAL
QUALITY

By: /s/ Richard H. Opper

RICHARD H. OPPER

Certified to the Secretary of State, April 28, 2008.